

REMARKS

Claims 1-3, 6, 8-10, 12, 14, 16-18, and 20-28 stand rejected. Claims 1, 14, 16, 21, 24, 25, and 26 have been amended. No new matter has been added by these amendments.

Examiner Interview:

Applicant's representatives wish to thank Examiner Jacobson for the opportunity to discuss the pending claims on May 24, 2011. Agreement was reached regarding the rejection of claims 16 and 26 under 35 U.S.C. 112, second paragraph. Examiner Jacobson indicated that she would withdraw this rejection if the term "paper-paper" was removed from both claims. While other aspects of the claims were discussed, no agreement was reached.

Rejections under 35 U.S.C. 112, second paragraph:

Claims 1-3, 6, 8-10, 12, 14, 16-18, and 20-28 stand rejected under 35 U.S.C 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the office action states that "[t]here is no disclosure of a polypropylene adhesive layer for bonding the mesh layer to a paper layer in applicant's originally filed specification" (office action dtd. December 9, 2010, page 3, para. 3). Applicant has amended claims 1, 14, 16, 21, 24, and 25 to remove the term "polypropylene." Accordingly, applicant requests that the rejection of claims 1, 14, 16, 21, 24, and 25 (and 2, 3, 6, 8-10, 12, 17, 18, 20, 22, 23, and 26-28 which ultimately depend therefrom) be withdrawn.

Claims 14 and 26 stand rejected under 35 U.S.C 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the office action states that a it is "unclear from the recitation of 'paper-paper adhesive' what materials would be excluded from being considered to infringe on the limitations of claims 14 and 26." (*Id.*, page 3, para. 6). As discussed with Examiner Jacobson, the term "paper-paper" has been removed from the claims. Accordingly, applicant requests that the rejection of claims 14 and 26 be withdrawn.

Rejections under 35 U.S.C. 103(a):

Independent claims 1, 16, and 24 under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 5,328,142 (Weekers) in view of United States Patent Number 6,295,782 (Fyfe). Applicant submits that neither Weekers nor Fyfe alone or in combination

teach or suggest a tube including one or more sub-layers, wherein each sub-layer is a laminate having a woven polymer mesh to which is bonded on a first side thereof a paper layer by means of *an intermediate layer* of polyethylene material as claimed.

As a preliminary matter, the office action admits that Weekers does not teach an intermediate layer of polyethylene as claimed but asserts that Fyfe does teach such a structure. Applicant respectfully disagrees and submits that the intermediate polyethylene layer claimed is distinct from the resin impregnating technique taught by Fyfe. In that regard, the term "layer" means "one thickness, course, or fold laid or *lying over or under another*" (<http://www.merriam-webster.com/dictionary/layer>, *emphasis added*). This definition is consistent with the as-filed specification which describes paper bonded to mesh via an *intermediate layer of polyethylene*. (As-filed Specification, Page 6, lines 26-27). Accordingly, while the term "layer" is not specifically defined in the specification, it is clear from its ordinary meaning and its use in the specification that the intermediate polyethylene layer claimed means "a thickness that lies *over or under another*." The claimed intermediate layer is distinct from the resin impregnation of fabric taught in Fyfe.

Specifically, Fyfe teaches resin that does not lie over or under, but rather within the fabric. As depicted by Figure 13 of Fyfe, traditional resin impregnation typically requires a resin bath 1305 prior to application on exterior surface 103 (Fyfe, col. 8, lines 27-35). This resin bath fully penetrates the open spaces of the fabric. In contrast, the intermediate layer of polyethylene claimed does not result in the full impregnation of the mesh and "oozing" into the textile to fill in the voids. Instead, the intermediate layer attaches to the mesh and paper by simple surface bonding. For at least this reason, applicant contends that the claimed intermediate laminate layer patentably defines over the resin impregnation process taught by Fyfe.

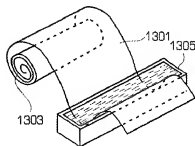


FIG. 13

Therefore, neither Fyfe nor Weekers alone or in combination teach a tube including one or more sub-layers, wherein each sub-layer is a laminate having a woven polymer mesh to which is bonded on a first side thereof a paper layer by means of *an intermediate layer* of polyethylene

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material as claimed in claims 1, 16 and 24. Applicant submits that independent claims 1, 16, and 24 (and 2, 3, 6, 8-10, 12, 14, 17, 18, 20-23, and 25-28 which ultimately depend from one of claims 1, 16, and 24) are patentable over the prior art.

For all of the forgoing reasons, applicant respectfully submits that all of the pending claims are in condition for allowance. If the Examiner determines that a telephone conference would further the prosecution of this case, she is invited to telephone the undersigned at her convenience.

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